

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer, *et al.*,

Plaintiffs,

v.

69cv07941 BB
Rio Chama Adjudication

RAMON ARAGON, *et al.*,

Defendants.

ORDER

THIS MATTER comes before the Court on the State of New Mexico’s Motion to Exclude Additional Evidence (Doc. No. 9912, filed July 12, 2010).

The Special Master held evidentiary hearings regarding the priority dates for three acequias and filed her Report (Doc. No. 9546, filed December 16, 2009). A few *pro se* parties objected to the Special Master’s Report and cited evidence not presented at the evidentiary hearings. The Court granted the State’s motion asking the Court to limit its review of the objections to the Special Master’s Report to the evidence and testimony presented to the Special Master at the evidentiary hearings. (*See* Mem. Op. and Order at 3, Doc. No. 9910, filed June 25, 2010).

Pro se party Eloy Garcia filed a memorandum (Doc. No. 9909, filed June 23, 2010) to “provid[e] further background information on *pro se* parciente and defendant Eloy Garcia . . . for the Honorable Court’s record and consideration.” The State subsequently filed its Motion to exclude from consideration the evidence presented in Mr. Garcia’s Memorandum because Mr. Garcia did not present the evidence at the hearings, did not offer any justification for not offering it at the hearings, and did not make any showing that the evidence was not readily available at the time of the hearing,

is not newly discovered evidence, or could not have been discovered with the exercise of due diligence. (Motion at 2). Mr. Garcia did not file a response opposing the State's Motion.

For the reasons stated in its June 25, 2010, Memorandum Opinion and Order (Doc. No. 9910), the Court will **GRANT** the State's Motion.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bruce D. Black". The signature is written in a cursive, flowing style. The first name "Bruce" is written in a standard cursive, while "D." is a small, simple dot and "Black" is written in a more stylized, elongated cursive.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE